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EXAMINER

CHENCINSKI, SIEGFRIED E

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 05/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/225,208

Applicant(s)

TOGAWA ET AL.

Examiner

Siegfried E. Chencinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 19. 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 29, 2003 has been entered.

Specification

2. The disclosure is objected to because of the following informalities:
- a. Page 3, Lines 24-26. The ending words of this sentence, "carry out jobs by computers." give an indefinite meaning to the sentence because of a verb is missing. The most direct meaning one can take from the wording used is that the workers perform the task of carrying out the work performed by a plurality of computers.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. **Claims 1-18, 25, 26& 32 are rejected** under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Re. Claim 1, the specifications do not describe a "real time ... system" as claimed in the preamble and in element 2, nor a "form generator", as in the first element, nor the concept "a group of workers as a job", also in the first element.

Re. Claim 4, the specifications do not include an "emergency worker group", only an "emergency group."

Re. Claim 6, the specifications do not disclose a) that the "job definition forms define group permission information", b) that the system comprises a "request unit", c) group permission information.

4. Claims 1-18, 25, 26, 29 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re. Claims 1-18, 25, 26, 29 and 32, the construction of the of claim 1 and of the entirety of claims 29 & 32 are such as to make their individual meanings indefinite.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 5, 27, 30, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher et al. (US Patent No. 5,826,040) in view of Matsuzaki (US Patent No. 5767848).

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Re. Claims 1, 27, 30, 33 & 34, Fargher discloses a system real-time managing object-oriented system objects as job objects among groups of workers as worker groups in communication with each other via networked computers, said system comprising:

- a form generator generating job definition forms defining worker groups that process the job objects according to job-object conditions, thereby representing a group of workers as a job;
- a resource manager managing the job-object conditions worker group by worker group in real-time;
- a job monitor monitoring, in real-time, job processing by the worker groups based upon the job definition forms and maintaining security of the job objects according to the job-object conditions in real-time, thereby for a first worker group inhibiting access to the job objects thereof from another worker group to which permission to use the job objects of the first worker group is not allocated; and
- a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects according to each worker group procedure defined in the job definition form, in response to the job processing information provided by said job monitor. (Col. 4, lines 19-21; Col. 7, line 3; Col. 5, line 35 – Col. 7, line 62)

Fargher does not explicitly disclose a form generator generating job definition forms defining worker groups that process the job objects according to job-object conditions, thereby representing a group of workers as a job ; a resource manager managing the job-object conditions worker group by worker group in real-time; a job monitor monitoring, in real-time, job processing by the worker groups based upon the job definition forms and maintaining security of the job objects according to the job-object conditions in real-time, thereby for a first worker group inhibiting access to the job objects thereof from another worker group to which permission to use the job objects of the first worker group is not allocated.

The use of forms of all kinds, particularly those drawn up by hand, those preprinted and those programmed to be printed by computer printers are well known and an ever present component of life in every facet of business activity, including in the management of projects, computer operations and manufacturing. As such, the use of job definition forms defining worker groups that process the job objects according to job-object conditions are implicit to the description of

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any system managing groups of workers. The use of forms would therefore also have been obvious within the Fargher disclosure, as well by an ordinary practitioner of the art designing applicant's system as a communications tool in order to efficiently administer applicant's system.

Also, Matsuzaki actually discloses a resource manager managing the job-object conditions worker group by worker group in real-time; a job monitor monitoring, in real-time, job processing by the worker groups based upon the job definition forms and maintaining security of the job objects according to the job-object conditions in real-time, thereby for a first worker group inhibiting access to the job objects thereof from another worker group to which permission to use the job objects of the first worker group is not allocated; as well as a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects according to each worker group procedure defined in the job definition form, in response to the job processing information provided by said job monitor. (Abstract, Col. 5, line 35 – Col. 7, line 65).

It would thus have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosure of Fargher with that of Matsuzaki for the purpose designing an efficient worker task management system involving applicant's invention.

Re. Claim 3, Fargher discloses a system according to claim 1, further comprising a rearranging unit that manages and rearranges the members and job objects of the worker groups according to information from the rearranging unit (Col. 9, line 40 to Col. 10, line 46).

Re. Claim 5, Fargher discloses a system according to claim 1, wherein said job monitor performs at least one of transferring a job object from one of the worker groups to another worker group and automatically changing the job objects of any one of the worker groups according to a procedure (Col. 5, lines 10 – Col. 6, line 67).

7. Claims 4, 6 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher et al. (US Patent No. 5,826,040) in view of Matsuzaki (US Patent No. 5767848) and further in view of the IBM Disclosure Bulletin (December 1991,

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US, Vol. 34, Issue Number 7B, Page Number 114-117, Extensible Access Control List Mechanism, heretofore IBM).

Re. Claim 4, neither Fargher or Matsuzaki explicitly disclose a system according to claim 1, wherein: a system according to claim 1, wherein: an emergency worker group is allowed to access every job object of every worker group; and the job monitor accepts any request from the emergency worker group for accessing a job object.

However, IBM discloses a system according to claim 1, wherein: an emergency worker group is allowed to access every job object of every worker group; and the job monitor accepts any request from the emergency worker group for accessing a job object (IBM, Text, page 1, lines 1-9; page 2, lines 6-11, 11-49) because the IBM disclosure makes a provision for full access by any group such as group admin which is anticipated to require access. It would therefore have been obvious to an ordinary practitioner of the art at the time of the invention to include the IBM disclosure's access to all functions of all job objects to emergency workers and emergency worker groups, and any personnel who are anticipated to require emergency access to make sure that emergencies can be dealt with at any time whenever such is necessary for the advantage of the organization.

Re. Claim 6, neither Fargher or Matsuzaki explicitly disclose a system according to claim 1, wherein the job definition forms define group permission information, the system further comprising a request unit that, when a first group makes a request to use a job object of a second group, uses the group permission information to contact the second group for permission to use the job object.

However, IBM discloses a system according to claim 1, wherein the job definition forms define group permission information, the system further comprising a request unit that, when a first group makes a request to use a job object of a second group, uses the group permission information to contact the second group for permission to use the job object (IBM, Full document).

It would thus have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher and Matsuzaki with that of the IBM Disclosure

Bulletin for the purpose designing an efficient worker task management system involving applicant's invention.

Re. Claims 11-15, neither Fargher nor IBM explicitly disclose

- a system according to claim 6, wherein said job monitor holds the schedules of the jobs of the worker groups and exchanges the jobs among the worker groups;
- a system according to claim 6, wherein said job monitor limits location, period, and each worker group to handle a job object, to thereby strictly maintain the security of the job object.
- a system according to claim 6, wherein said job monitor indicates whether permission for use of the job object is to be granted upon approval of all or some of the members of the second worker group.
- a system according to claim 6, wherein said job monitor adds a name of a worker group to which a job object belongs to a name of the job object, whereby plural job objects having the same name can be allocated to the worker group.
- a system according to claim 6, wherein said job monitor allocates a representative name to a set of job objects and identically handles the job objects under the representative name.

However, Matsuzaki discloses

- a system according to claim 6, wherein said job monitor holds the schedules of the jobs of the worker groups and exchanges the jobs among the worker groups;
- a system according to claim 6, wherein said job monitor limits location, period, and each worker group to handle a job object, to thereby strictly maintain the security of the job object.
- a system according to claim 6, wherein said job monitor indicates whether permission for use of the job object is to be granted upon approval of all or some of the members of the second worker group.
- a system according to claim 6, wherein said job monitor adds a name of a worker group to which a job object belongs to a name of the job object, whereby plural job objects having the same name can be allocated to the worker group.

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- a system according to claim 6, wherein said job monitor allocates a representative name to a set of job objects and identically handles the job objects under the representative name (Col. 5, line 35 – Col. 7, line 65).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher with those of Matsuzaki in order to identify a member who assumes responsibility for the resources when all conditions are confirmed.

8. Claims 2, 28-29, 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher et al. (US Patent No. 5,826,040), Matsuzaki (US Patent No. 5,767,848), the IBM Disclosure as applied to claims 1, 33 and 34 above and further in view of Rapozo (PC Week v12, n19, p74(2)).

The teachings of Fargher, Matsuzaki and IBM are discussed above.

Re. Claims 2, 28-29 and 31-32, neither Fargher, Matsuzaki or IBM explicitly disclose:

Re. Claim 2, a system according to claim 1, wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups (Rapozo);

Re. Claim 28, a method according to claim 27, further comprising setting as one of the job-object conditions rights to use the job objects among the worker groups processing the job objects (IBM);

Re. Claims 28 & 32, a system according to claim 2 and a method according to claim 28, wherein as the job object conditions a job definition form identifies for each worker group, information indicating the rights to use the job objects, and at least one of a job period, worker group members, processes, the job objects allocated to the job carried out by the worker group, and permission information of the job objects;

Re. Claim 31, a computer readable medium of claim 30, the program further comprising a function of storing a job definition form defining for each group the jobs, the form indicating rights to use the resources, wherein the job definition form identifies for each job carried out by each group, as information indicating the rights to use the resources, at least one of a job period, group member, the resources allocated to the job to be carried out by the group, and permission information of the resources.

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However, **Re. Claim 2**, Rapozo discloses a system according to claim 1, wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups (Article);

Re. Claim 28, IBM discloses a method according to claim 27, further comprising setting as one of the job-object conditions rights to use the job objects among the worker groups processing the job objects (IBM Disclosure Document);

Re. Claims 29 & 32, Farghar, Matsuzaki and IBM disclose a system according to claim 2 and a method according to claim 28, wherein as the job object conditions a job definition form identifies for each worker group, information indicating the rights to use the job objects, and at least one of a job period, worker group members, processes, the job objects allocated to the job carried out by the worker group, and permission information of the job objects (Supra); and

Re. Claim 31, Farghar, Matsuzaki and IBM disclose a computer readable medium of claim 30, the program further comprising a function of storing a job definition form defining for each group the jobs, the form indicating rights to use the resources, wherein the job definition form identifies for each job carried out by each group, as information indicating the rights to use the resources, at least one of a job period, group member, the resources allocated to the job to be carried out by the group, and permission information of the resources (Supra).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher, Matsuzaki and IBM with those of Rapozo to avoid conflict among the groups and also to maximize the organization's production.

9. Claims 7-9 & 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher, in view of Matsuzaki and IBM, and further in view of Persham (US Patent 5,260,986), Hwang (US Patent 5,530,892), Gaskill (US Patent 5,440,559), Morishima, (US Patent 5,589,956) and D'Agosto (US Patent 4,975,896).

The claims of Fargher, Matsuzaki and IBM are discussed above.

Re. Claims 7-9 & 25, neither Fargher, Matsuzaki or IBM explicitly disclose a:

- a system according to claim 6, wherein a request unit uses one of a telephone and a pager to request the second worker group for permission to use the job object;

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- a system according to claim 6, wherein a request unit uses one of a telephone, a notebook computer, an electronic notepad, and a workstation through one of a wide-area network, a personal computer communication network;
- a system according to claim 6, a wireless network to request the second worker group for permission to use the job object;
- a system according to claim 6, further comprising a visual I/O unit and an audio I/O unit to request the second worker group for permission to use the job object ;
- a system according to claim 9, wherein :
 - a visual I/O unit is a television camera); and
 - a audio I/O unit is a microphone.

However, Persham discloses a system according to claim 6, wherein a request unit uses one of a telephone and a pager to request the second worker group for permission to use the job object (Abstract).

Hwang discloses a system according to claim 6, wherein a request unit uses one of a telephone, a notebook computer, an electronic notepad, and a workstation through one of a wide-area network, a personal computer communication network (Abstract).

Gaskill discloses a wireless network to request the second worker group for permission to use the job object (Abstract).

D'Agosto discloses a system according to claim 6, further comprising a visual I/O unit and an audio I/O unit to request the second worker group for permission to use the job object (Abstract).

Morishima discloses a system according to claim 9, wherein a visual I/O unit is a television camera (Col. 6, lines 44-45).

D'Agosto discloses a system according to claim 9, wherein an audio I/O unit is a microphone (Col. 11, line 54).

It would have been obvious to an ordinary practitioner of the art at the time of the invention to combine the disclosures of Fargher, Matsuzaki and IBM with the disclosures of Persham, Hwang, Gaskill, D'Agosto and Morishima to achieve the most time efficient and rapid communications among workers in various work groups.

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10. Claims 10, 26, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher, in view of Matsuzaki and IBM, and further in view of Waldren (US Patent 4,884,219), Zinsmeyer (US Patent 3,927,800) and Morishima (US Patent 5,589,956).

Re. Claims 10 and 26, neither Fargher, Matsuzaki nor IBM explicitly disclose a system according to claim 6, further comprising:

- an input device, attached to a selected member of the second worker group, for identifying and locating the member; and
- a system according to claim 10, wherein
 - an input unit is one of a sensor and a transmitter; and
 - a positing unit is a television camera.

However, Waldren discloses a system according to claim 10, herein said input device is a virtual-reality device attached to the selected member, to identify the location of the member (Abstract).

Zinsmeyer discloses a system where said input unit is one of a sensor and a transmitter.

Morishima discloses a positioning unit generating an image of the selected member, said input unit and positioning unit being used to directly request the member of the second worker group for permission to use the job object, and a system where a positing unit is a television camera.

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher, Matsuzaki and IBM with those of Waldren, Zinsmeyer and Morishima for efficiency and security purposes.

Re. Claim 17, neither Fargher, Matsuzaki or IBM explicitly disclose a system according to claim 10, wherein an input device is a head-mount display worn by the selected member so that the member may give permission to use the job object.

However, Morishima discloses a system according to claim 10, wherein an input device is a head-mount display worn by the selected member so that the member may give permission to use the job object (Col. 16, line 64 – Col. 17, line 41).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosure of Fargher, Matsuzaki and IBM with that of Morishima in order to equip work group members with head-mount image display technology to provide an efficient communications response capability to work group members of the organization for the purposes of efficient communication and increased security.

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Re. Claim 18, neither Fargher nor Matsuzaki explicitly disclose a system according to claim 10, wherein said input device is provided with at least one of a password and an ID, to prevent illegal access to said input device.

However IBM discloses a system according to claim 10, wherein said input device is provided with at least one of a password and an ID, to prevent illegal access to said input device (Text, page 1, lines 1-21).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher and Matsuzaki with those of IBM for the simple reason of preventing illegal access to the device.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher, in view of Matsuzaki, IBM, Waldren, Zinsmeyer and Morishima, and further in view of Weber (US Patent 4,995,071).

Re. Claim 16, Weber discloses a system according to claim 10, wherein an input device is a positioning unit generating an image of the selected member, the input unit and positioning unit being used to directly request the member of the second worker group for permission to use the job object (Abstract).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher, Matsuzaki and IBM with those of Weber for efficiency and security purposes.

Response to Arguments

12. 07-37Applicant's arguments filed January 4, 199 have been fully considered but they are not persuasive.

a) Applicant argues that the relied upon references differ from the claimed invention because the systems of the relied upon references relate to modeling projects or project management based upon assigning and managing workers according to jobs (page 7, Present Claimed Invention through page 10, line 1). Fargher directly discloses an

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object oriented method and system (Col. 4, lines 18-21). Further, the relied upon references differ primarily in presenting more numerous solutions and greater complexity and diversity to applicant's claim. Matsuzaki and IBM, among the large number of references relied upon, provide such diversification and complexity in solving applicant's claimed invention, and are properly combined prior art.

b) Applicant requests documentary evidence of the examiner's prior reliance on various references to obviousness in compliance with the USPTO's February 21, 2002 memorandum dealing with facts of common knowledge or taking official notice. The examiner has provided this evidence with the above rejections of all claims.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 703-305-6199. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on 703-308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks
Washington D.C. 20231***

or faxed to:

(703)305-7687

[Official communications; including
After Final communications labeled
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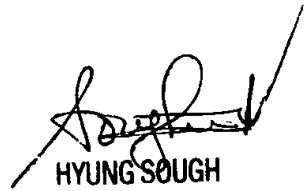
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(703) 746-8177 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington, VA, 7th floor receptionist.

SEC

March 24, 2003



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600